



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
25 FUNSTON ROAD
KANSAS CITY, KANSAS 66115

Site: <u>Rose, Martha</u>
ID#: <u>MOD980633049</u>
Block: <u>2-1</u>
Other: <u>1-28-87</u>

January 28, 1987

MEMORANDUM

SUBJECT: October 1986, Immediate Removal for Rose Chemical, 2459 Charlotte, and the D. Thomas, J. Knox, S. Hayes, D. McCoy, D. Huhn and C. Buxton Properties

FROM: George Hess *GKH*
FIRE/EP&R/ENSV



40026323
SUPERFUND RECORDS

TO: Charles P. Hensley
Chief, EP&R/ENSV

An immediate removal of PCB-contaminated equipment that had originally been located at 500 West McKissock, Holden, Missouri, was initiated. This was a facility where the Martha C. Rose Chemical Company, Inc., American Steel Works, Inc., Dust Suppression, Inc., and W.C. Carolan Company, Inc., had been located.

A Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 106 Order was issued on May 23, 1986, to the above companies to properly dispose of PCBs at that site. Part of this order required that PCBs not be removed from the 500 West McKissock facility until a disposal plan had been approved of by the Agency. Information gained from various sources indicated that material had been moved subsequent to issuance of this Order to various locations around Johnson County, Missouri, and to 2459 Charlotte, Kansas City, Missouri.

2459 Charlotte, Kansas City, Missouri

I. This was the home office of the above-mentioned corporations. Because of previous access problems, a warrant was obtained for access on October 3, 1986.

The removal started at 2459 Charlotte, Kansas City, Missouri. On October 7, 1986, the warrant was first given to Dwight Thomas who read it and then indicated something to the effect that the EPA will put them out of business. Mr. Thomas then escorted us (Ruben McCullers, Bill Hare and George Hess) to Walter Carolan's office where Walter and Jim Carolan read the warrant. Jim Carolan kept repeating that the warrant did not say specifically what piece of equipment we were going to take. Mr. McCullers indicated the items that were previously sampled and found to be contaminated, and that EPA was prepared to take additional samples of items where there is some question as to whether the equipment was from Holden and contaminated.

After the brief discussion, the group proceeded to the shop area. Mr. McCullers pointed out items which would be removed (fork lift, Mubea press, Hobart welder, Doall saw) plus the four trailer loads behind the shop. Several attempts were made to have the Carolan group identify what items in the shop area came from the Holden facility. The group would not identify or even comment on the items. At this point, it became apparent that the Carolan group was not going to cooperate with the removal action. Additional sampling supplies were requested so all major items in the shop could be sampled.

All wipe samples of equipment were obtained with gauze pads moistened with isooctane. Seventeen wipe samples were obtained from the major pieces of equipment, two soil samples from under four trailers and a field wipe blank were obtained on October 7, 1986. All sample wipes were measured with a caliper and results calculated to $\text{Ug}/100 \text{ cm}^2$. At one point in the morning, American Steel personnel were observed removing the fuel tank from the fork lift and then proceeded to remove the gas cylinders from a thermo-dynamics welder (SN# L91105A177028H). Jim Carolan was instructed by Ruben McCullers not to remove any components off the equipment.

Using EPA contractor's tractors, the first two 40-foot trailers left on October 7, 1986, at 0920 hours. The trailers were hauled to the Holden facility and the tractors returned to 2459 Charlotte. The remaining two 40-foot trailers left for Holden at 1400 hours. The former Rose facility at 500 West McKissock, Holden, Missouri, is now under the control of the primary lease holder, Lear/Siegler. Lear/Siegler has allowed the Martha C. Rose Steering Committee and their contractor, Clean Sites, Inc., to operate the site. The PCB-contaminated equipment was returned with the knowledge and consent of all of these parties. Prior to stopping work on October 7, 1986, the four trailers were secured inside the former American Steel Works section of the facility. The four 40-foot trailers were the only items removed from the Charlotte facility on October 7, 1986. An inventory of the items on the trailers was prepared and a copy given to Clean Sites, Inc., on October 10, 1986.

On October 9, 1986, the removal of items resumed at 2459 Charlotte; sample results had indicated they were PCB-contaminated in excess of the National Institute of Occupation, Safety and Health (NIOSH) recommendation, $100 \text{ ug}/100 \text{ cm}^2$ (which the Occupational Safety and Health Administration [OSHA] acknowledges). This determination was based on the fact that material above NIOSH levels had to have been contaminated while at Holden, Missouri, as Jim Carolan said no PCBs were handled at the 2459 Charlotte site. The items removed consisted of a Do-All band saw (EPA sample #FKJ8D007), fork lift #566 (EPA sample #FKJ8D008), a Mubea Press (EPA sample #FKJ8D009) and a Hobart Welder (EPA sample #FKJ8D010). This equipment was loaded on the contractor vehicles and an inventory was prepared. A copy of the inventory was provided to Clean Sites, Inc.

Some problems developed when the fork lift was to be loaded. American Steel personnel had removed the propane fuel cylinder. I instructed

Jim Carolan to put the cylinder back that was on it October 7, 1986. Mr. Carolan then instructed the American Steel personnel to put on a propane cylinder which obviously had not been on the lift (the employees had to change the fittings on the cylinder just to hook it up to the lift). After the cylinder was on, it became apparent that the lift (which had been working fine on October 7, 1986) now had a dead battery and the propane tank American Steel had just installed was empty. At this point, Mr. Hare, EPA, proceeded to the gas bottle storage area and picked up the only cylinder with fuel and had ERCS (EPA Contractor personnel) attach it to the lift (the bottle had the proper fittings for the lift so no adjustments were made to the bottle). After the equipment was loaded, it was transported to Holden and placed in the American Steel section of the facility. While ERCS had a boom truck in Holden, they proceeded to Mr. Thomas' property and picked up a large press (EPA sample #07158628500101). (See reference below to Mr. Thomas' removal).

No work was performed on October 11-12, 1986, while the Regional Lab continued analysis of samples obtained earlier in the week. On October 13, 1986, Mr. McCullers and I reviewed the available data and concluded that all the machinery sampled showed PCB levels over 100 ug/100 cm². Two loads of equipment were removed from 2459 Charlotte on October 13, 1986, by the ERCS contractors. Due to the results of previous sampling, more items at the 2459 Charlotte were sampled. Fifteen samples were obtained from the remaining items in the shop area and basement on this date.

On October 15, 1986, the removal resumed at 2459 Charlotte to begin drumming hand tools. The hand tools correspond with EPA sample #K158D022 and 045. After the drums were closed they were sealed with EPA custody seals.

Jim Carolan was informed that the majority of items sampled were well over OSHA health criteria and, as a result, could cause health problems if workers were not protected.

Two loads of material were taken from 2459 Charlotte to Holden. When ERCS started to load steel sheeting, Ms. Gudde, American Steel, indicated she knew some of the steel did not come from Holden but was purchased since the operation was moved to Kansas City. I indicated that if American Steel Works would provide documentation and a statement that the material had not been at the Holden facility the material would be left. Attached is the documentation provided.

October 16, 1986, was the last day the removal action was at the Charlotte facility. The remaining items which sample results indicated were PCB-contaminated were removed. Mr. Walter Carolan indicated the sodium solution removed the previous day could be potentially dangerous if it got wet; Rose Chemical did not use the material because it was off specifications. Also, Mr. Carolan indicated he was concerned about the safety associated with using a fork lift in the eastern portion of the shop. Mr. Carolan also explained that Dust Suppression Systems sells

materials utilized by power companys for the off loading and handling of coal at electric generation plants. He further stated W.C. Carolan Company, Inc., (WCCI) had analyzed a sample of the floor and the band saw which EPA removed and their results showed no PCB arochlors. As far as he was concerned, the regulations say material has to be decontaminated with rags and he legally can decontaminate equipment using oil with up to 50 ppm PCBs. Mr. Carolan indicated EPA does not follow their own or OSHA's recommendations and from a policy standpoint EPA is not consistent. He indicated EPA lawyers would not let his firm decon their equipment even if they used high-pressure washing. He stated that as a result of these actions, the EPA was forcing American Steel into bankruptcy.

Later in the day, Ms. Gudde inquired about our criteria for removing items. I indicated if the items were over 100 ug/100 cm² the item was removed, if the item was under 100 ug/100 cm² but over 10 ug/100 cm², the decision to remove the items would be decided on a case-by-case basis. The removal was completed at 1950 hours; I indicated to Jim Carolan we were finished under the warrant. Mr. Carolan asked if they (American Steel) could straighten up the shop area and sweep the floor. I said that since the floor sample came back "non detect," it should be okay. I relayed to him that I had not received all the results from samples taken at his facility; i.e., the basement and the Bentley. Mr. Carolan's final comment was that he did not understand EPA's concern for a bunch of old equipment.

During the time removal activities were being performed at 2459 Charlotte, American Steel's representative, Ms. Gudde, was present. Ms. Gudde took what appeared to be extensive notes of what was removed and what was sampled. Jim Carolan and another person who would not identify himself photographed portions of the removal. Another man, driving a Mercedes-Benz with Johnson County license #JOS4529, would not identify himself but claimed to have legal authority to be on the property, would stop and photograph EPA personnel and contractors on occasion. Mr. Carolan indicated he did not know who the man was and he was not working for WCCI.

On December 2, 1986, the Carolan Group, through their attorney (James Anderson) granted the EPA voluntary access to remove the specific items known by EPA to be PCB-contaminated. The items were sampled during the October removal but could not be removed prior to the court warrant expiring. An inventory of the items removed during this action is attached (memo to Scott Pemberton dated December 5, 1986).

The removal started at 0900 hours on December 2. Bob Fine, TAT and Rick Leoffler, RES/ERCS contractor, met Joyce Gudde at the 2459 Charlotte facility. Unknown persons had moved the items to be returned to Holden from the basement to the shop area. The Bentley car, which previously had been along the east wall of the shop, had been moved closer to the middle of the room and the radiator had been removed. The entire day was spent loading, unloading and transporting 114 empty 55-gallon drums. The

drums were painted light blue and had "dust suppression" labels when sampled in October; when we came to remove them, the Dust Suppression labels had been removed. The majority of the drums were placed in the yellow box trailer which previously had been on the McCoy property.

While at the Charlotte facility, I asked Ms. Gudde if Dwight Thomas was in the office today. She indicated Mr. Thomas had been layed off. I explained I needed to get in touch with him to see if he would allow EPA to voluntarily remove two drums from his property. She indicated she would see him that night and if Mr. Thomas agreed, would even pick up and deliver the drums the following day in her pickup truck. At 1540 hours, I reached Mr. Thomas at his home by telephone. Mr. Thomas indicated EPA had been on his property enough and I should be happy now that we have the Bentley. I explained that Ms. Gudde had offered to pick up the material. Mr. Thomas agreed to let her remove the two drums from his property (EPA Sample # K158D053 and 050).

On December 3, 1986, the remaining items were removed from 2439 Charlotte. We attempted to resample the short vat and remove any doubt as to the previous sample. Ms. Gudde asked Jim Carolan if we could sample the vat in the shop; he indicated EPA could not sample the vat until it was removed or EPA obtained a warrant. As a result, the vat was sampled after it was loaded onto the truck.

The Bentley was removed from the facility in the morning and transported by Booth's Towing Service (816/444-4496) on a tilt-bed truck. Prior to loading the car, plastic sheeting was placed on the bed of the truck and the car was then put on the truck and wrapped in plastic. After the plastic was secured and PCB stickers were placed on all four sides, the car was escorted to Holden.

Prior to leaving the site, the basement was inspected to confirm that all the material was removed. James Anderson was present and asked if we had everything we came for. I indicated we had everything except that I noticed the radiator had been removed from the car. He then asked if the Bentley was at Holden. I said it was delivered to the Holden facility and was being stored in the south building. He indicated he had his doubts as to its location. At this point, Ms. Gudde indicated she had some neighbor kids clean the floor and straighten up the shop and they may have stolen the radiator off the car. Anderson left the shop area and then returned five minutes later and stated his client did not have the Bentley radiator. The removal ended at 1505 hours at the Charlotte address. After taking the material to the Holden facility and unloading, I returned to the Lab to find out that at 1555 hours Booth Towing Service had called. Apparently a woman identifying herself as an employee of American Steel called and stated Booth's truck and driver were contaminated with PCBs. I contacted Joe Booth and explained the procedure used to handle the car and offered to sample the truck and drivers clothes if he was concerned in any way. Mr. Booth indicated he did not feel it was necessary.

Dwight Thomas Properties

On October 8, 1986, the removal activities were focused on the Dwight Thomas properties. At 0930 hours, a warrant was served to Mr. Thomas at his home. Mr. Thomas indicated that he personally owned both the trailers containing scrap steel. Based on this, the steel from the smaller trailer was placed on the larger trailer which was constructed of the same type steel storage racks which existed at American Steel and located on the McCoy property. In the red storage building next to his home were two large electric motors and a Lincoln welder (SN#408310). Mr. Thomas indicated the welder had never been at the Holden facility. Based on his statement, the welder was sampled (a split sample was given to Mr. Thomas).

When Mr. Thomas was asked to unlock the storage building near the county road, Mr. Thomas indicated that nothing from Rose Chemical was in the building and he did not own the property. Mr. McCullers explained that the search was done under a previous warrant. When Mr. McCullers indicated he knew some material from 500 West McKissock was in the building, Mr. Thomas started arguing that EPA had trespassed without definite knowledge of ownership, so we decided not to press entry into that shed. Mr. McCullers and Mr. Hare visited the Johnson County Court House and determined that the property was owned by a Donald and Barbara Huhn, Webster Groves, Missouri.

After completing the removal of scrap steel and obtaining samples at Mr. Thomas' residence, the removal action proceeded on to Mr. Thomas' former residence on Highway VV. It was apparent that when we arrived at the portion of the property where the material was stored, the majority of the welding rods had been removed. Mr. Thomas indicated the rods had not belonged to American Steel but that he had purchased them at an auction in Odessa, Missouri. When it was pointed out to him that the remaining box of rods were marked American Steel he indicated he did not know who had owned them prior to his purchasing them at the auction.

Because of space limitations at the Holden facility, ERCS spent the majority of the day on October 14, 1986, moving debris in the American Steel shop area to make room for more equipment.

In the afternoon, the Lincoln welder (SN# 408310) was picked up at Mr. Thomas' (EPA sample K158D027). The welder was under 100 ug/100 cm² but was still well over the permit level of 10 ug/100 cm² (actual result 82+ ug/100 cm²). While on the Thomas property, four 55-gallon drums were sampled (EPA sample #K158D049-052). The drums were sampled since it appeared they all had PCB stickers on the drums at one time and the fact that Mr. Eaglson indicated Mr. Thomas took PCB oil from the Holden facility. One of the samples (K158D051) was reported by Mr. Thomas to be jellied petroleum. Two drums of this material were observed during the inspection, one open and the other a closed ring-top drum. The closed drum was the one sampled since the open drum of material had developed a hard rubbery surface which would have made sampling difficult. During this inspection, Mr. Thomas said he had received a degree in chemistry from Central Missouri State University (CMSU) in Warrensburg.

Mr. McCullers asked where the equipment that had been on the truck was now Mr. Thomas said he took it with the Hays' material to Charlotte. Mr. McCullers stated that it was not there. Mr. Thomas said it must have been stolen.

Since Mr. Thomas did not identify the contents of the drums, we decided to sample them. Because one drum looked as if it had leaked oil, we opened it and saw a jellied petroleum product, then closed it. He said the material came from Virginia.

We later determined the jellied petroleum was napalm that American Steelworks, Inc., had received from the Department of Navy to decommission as a test. Although the sample collected of the napalm on October 14, 1986, indicated 44+ ppm of PCBs, we decided not to remove the material to Holden because of the ignitability of the material. Mr. McCullers contacted Mr. Thomas who promised to send the material to ENSCO for incineration.

On December 15, 1986, Mr. Thomas indicated he had received Mr. Rompage's letter outlining disposal requirements of the napalm and will respond to it in the next day or two. Mr. Thomas indicated he had sampled the material and sent it to a local firm. He confirmed the material was a RCRA waste. When asked who was working with him on the material he indicated Dennis Nix, Kingsville and EnviroSURE. He was still attempting to find a facility to dispose of the material.

Jim Knox Property - Holden, Missouri

The material on the Knox property apparently was placed there by Mr. Charles Buxton who owns property adjacent to the Knox's. The items consisted of electric motors, electrical equipment, plumbing fixtures and miscellaneous small items. The items were being stored in a shed with a dirt and gravel floor approximately 200 feet northeast of the Knox residence. After lunch on October 8, 1986, the items were picked up by the ERCS contractor. After removal of the items, a soil sample was obtained under where the items had been located (K158D028). The results indicate residual contamination at less than 1 ppm PCBs.

Charles Buxton - Holden, Missouri

After completing the removal at the Knox property, the ERCS contractor proceeded to the Buxton property. Mr. Buxton was present on site so I told him what we were planning to remove. Mr. Buxton said Mr. Thomas and a woman (he thought the name may be Gudde) had made an inventory of the items on his property and the Knox property. Mr. Buxton contends that EPA has found only 1/3 of the items and that some went to St. Louis. Prior to completing the removal on October 16, 1986, the boat on the Buxton property was covered with plastic sheeting, it was not returned to the Holden facility due to the following factors:

- ° the PCB wipe sample (K158D003) showed total PCBs at less than 100 ug/100 cm²;
- ° there was no room to store the boat indoors at the Holden facility; and
- ° due to the size of the boat, moving it could amount to considerable effort and expense.

Until a health determination is made on the boat, it will remain at the Buxton property. Mr. Buxton agreed to dike the boat which he did the end of November to reduce any surface runoff threat. The boat has been posted on all four sides as PCB contaminated. After the boat was secured on November 16, the overhead door at the American Steel portion of the Holden facility was secured. The door had not worked properly since American Steel left the facility on July 3, 1986.

The boat has been, and will be, checked occasionally in an attempt to keep it covered and monitor its status until a final determination is made on its future.

Sharon Hayes Property - Holden, Missouri

Sharon Hayes, former office manager at the Rose facility, had granted the Carolan Group permission to temporarily store four flat-bed trailers and two fork lifts on the same property that had been rented to Pat Perrin, Holden facility plant manager. The four trailers were removed from the Hayes property by the Carolan Group to the Charlotte location (EPA removed the four trailers from the Charlotte facility to the Holden facility on October 7, 1986).

While the ERCS workers loaded up the items at the Knox property, Rick Leoffler, ERCS response manager, proceeded to the Hayes' property to make arrangements to remove the remaining two fork lifts. Sharon Hayes showed us the location of the fork lifts. Mrs. Hayes asked if we (EPA) had found the capacitor chipper. She indicated Mr. Thomas and Ms. Gudde probably are the only people who know its location. Apparently, it was on Mr. Thomas' property prior to the inspection under the first search warrant. Mrs. Hayes also indicated that prior to her leaving employment at American Steel, Mr. Thomas left work early to have \$11 thousand transferred to a personal bank account.

On October 10, 1986, two fork lifts (Enerco and Hyster Model #870) were removed from the Hayes' property. While on the property, two soil samples were obtained. One sample (K158D030) was in the vicinity where the four flat-bed trailers had been stored prior to moving them to the Charlotte location, the other (K158D031) was collected in the vicinity of the Hyster forklift in what appeared to be oil-stained soil. The sample in the vicinity of the forklift indicated PCBs over 50 ppm so on October 20, 1986, two 55-gallon drums of soil and rock were moved from the spill

area. The area was resampled (K258D007) and the results indicated residual PCBs at less than 1 ppm. This removal is now considered completed.

Donald Huhn - Holden

Nothing was removed from the Huhn property (adjacent to the Dwight Thomas property) until November 7, 1986, when the legal owner (Mr. Huhn) had been contacted and arrangements were made to meet Mr. Huhn and remove what items were in the building. An inventory of the removed items was given to Mr. Huhn. A copy of the inventory from the Huhn property has been supplied to Clean Sites.

A wipe sample (K258D001) was obtained from the area where the material was stored. The results indicated residual PCB contamination at 120+ ug/100cm². Due to problems with the overhead door at the American Steel Works portion of the Holden facility, the items from the Huhn property were placed in the warehouse just south of the old main office, with the exception of four office chairs which were placed in the office where the office furniture from the McCoy property is being stored.

On December 18, 1986, the items stored in the warehouse south of the office were moved into the American Steel area by Don Sandifer, EPA, Helen Holm, TAT, and myself. The small items were placed in a 4x4-foot plywood box lined with plastic sheeting.

Miscellaneous Notes

Everything removed under this removal was returned to the Holden facility. The majority of the items were placed in the former shop area of American Steel and covered with plastic sheeting. The office furniture from the McCoy and Huhn properties was placed in the former main office in a small office across from where the records are being kept. The Bentley was placed in the southern end of the south building. The yellow box trailer from the McCoy property is in a diked area at the west end of the main building and was filled with empty drums from the December 2 removal.

While working at the Rose facility on October 10, 1986, an ex-employee, Bob Eagleson (phone # 816/732-6503) stopped by the facility. Mr. Eagleson indicated he was a truck driver for Rose Chemical for the last year. Initially, he was paid by the W.C. Carolan Company, then by American Steel and, lastly, by Martha Rose Chemical Company. Mr. Eagleson indicated Mr. Pat Perrin ran the plant on a daily basis. According to Eagleson, Mr. Perrin took nerve medicine and it was not uncommon for him to wear a hand gun at work. The majority of the scrap metal which left Martha Rose was sent to Asner Brothers (James Street, Kansas City, Kansas) or to National Compressed Steel (Cheyenne, Kansas City, Kansas). Mr. Eagleson indicated Mr. Thomas told him he used PCB oil in his farm tractor. The whole time Mr. Eagleson worked at the Holden facility the old Bentley was stored in the shop. The Rose mechanic (Gary works at the farm tractor shop just

north of the facility on Highway 131) apparently worked at the facility for most of the firm's existence while in Holden. Mr. Eagleson indicated that Rose appeared to be in financial difficulty starting in November 1985, because bills were not getting paid. Mr. Eagleson indicated he still has load tickets for the 1986 loads of PCB waste he delivered to the various hazardous waste landfills.

While in Holden on October 14, 1986, Jerry Hollingsworth (former Danguard Security guard now a Clean Sites employee), related to me that McCoy had told him that he used PCB oil (reported to be <50 ppm) to run his dozer. Apparently, he had approximately 16,000 gallons of tankage at a piece of farm property.

Attached are the Following:

1. Statement by American Steel of items never at the Holden facility
2. Inventory of October removal
3. TSCA inventory of items removed from the Huhn property
4. Inventory of the Hayes November removal and the Carolan group December Removal
5. Photocopies of photos from removal actions